

Dabney, Phylesha L.

From: Chuck Hieken [Hieken@fr.com]
Sent: Friday, June 08, 2007 4:41 PM
To: Dabney, Phylesha L.
Subject: RE: Communication via Internet email

Thanks. I will respond Monday. Hoe you have a pleasant weekend.

-----Original Message-----

From: Dabney, Phylesha L. [mailto:Phylesha.Dabney@USPTO.GOV]
Sent: Friday, June 08, 2007 3:23 PM
To: Chuck Hieken
Subject: Communication via Internet email

As requested per our phone conversation on 8 June 2007, I am sending you the section that you need to authorize email communication. In addition, you will find MPEP section 502.03 which covers Internal Email authorization in detail.

> The following is a sample authorization form which may be used by applicant:

> "> Recognizing that Internet communications are not secure, I hereby
> authorize the USPTO to communicate with me concerning any subject
> matter of this application by electronic mail. I understand that a
> copy of these communications will be made of record in the application
> file.> ">

>

>

> Thank you,
> Phylesha L Dabney
> Patent Examiner, Art Unit 2614
> U.S. Patent & Trademark
> 501 Dulany Street
> Alexandria, Virginia
> phone: 571-272-7494
 fax: 571-273-7494
> email: phylesha.dabney@uspto.gov

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> MPEP 502.03 [R-2] Communications via the Internet
> See Internet Usage Policy, 64 *>FR< 33056 (June 21, 1999). The
> Articles of the Patent Internet Usage Policy pertinent to
> communications via electronic mail are summarized below. See MPEP §
> 904.02(c) for information pertinent to Internet searching, and MPEP §
> 707.05(e) for information pertaining to the citation of electronic
documents. See also MPEP § 713.04 for recordation of e-mail interviews.

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> I. CONFIDENTIALITY OF PROPRIETARY INFORMATION (ARTICLE 4) If security

> and confidentiality cannot be attained for a specific use,
> transaction, or activity, then that specific use, transaction, or
activity shall NOT be undertaken/conducted.
> All use of the Internet by Patent Organization employees, contractors,
> and consultants shall be conducted in a manner that ensures compliance
> with confidentiality requirements in statutes, including 35 U.S.C.
> 122, and regulations. Where a written authorization is given by the
> applicant for the USPTO to communicate with the applicant via Internet e-
mail, communications via Internet e-mail may be used.
> Backup, archiving, and recovery of information sent or received via
> the Internet is the responsibility of individual users. The OCIO does
> not, and will not, as a normal practice, provide backup and recovery
> services for information produced, retrieved, stored, or transmitted
to/from the Internet.

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> II. COMMUNICATIONS VIA THE INTERNET AND AUTHORIZATION (ARTICLE 5)

> Communications via Internet e-mail are at the discretion of the
applicant.

> Without a written authorization by applicant in place, the USPTO will
> not respond via Internet e-mail to any Internet correspondence which
> contains information subject to the confidentiality requirement as set
> forth in 35 U.S.C. 122. A paper copy of such correspondence will be
placed in the appropriate patent application.

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> The following is a sample authorization form which may be used by
applicant:

> "> Recognizing that Internet communications are not secure, I hereby
> authorize the USPTO to communicate with me concerning any subject
> matter of this application by electronic mail. I understand that a
> copy of these communications will be made of record in the application
> file.> ">

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> A written authorization may be withdrawn by filing a signed paper
> clearly identifying the original authorization. The following is a
> sample form which may be used by applicant to withdraw the authorization:
> "> The authorization given on_____, to the USPTO to communicate with
> me via the Internet is hereby withdrawn. I understand that the
> withdrawal is effective when approved rather than when received.> ">

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> Where a written authorization is given by the applicant,
> communications via Internet e- mail, other than those under 35 U.S.C.
> 132 or which otherwise require a signature, may be used. In such case,
> a printed copy of the Internet e-mail communications MUST be given a
> paper number> , entered into the Patent Application Locating and
> Monitoring System (PALM) and entered in the patent application file. A
> reply to an Office action may NOT be communicated by applicant to the
> USPTO via Internet e-mail. If such a reply is submitted by applicant via
Internet e-mail, a paper copy will be placed in the appropriate patent
application file with an indication that the reply is NOT ENTERED.

> >For Image File Wrapper (IFW) processing, see IFW Manual.<

> USPTO employees are NOT permitted to initiate communications with
> applicants via Internet e-mail unless there is a written authorization
> of record in the patent application by the applicant.
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> All reissue applications are open to public inspection under 37 CFR
> 1.11(a) and all papers relating to a reexamination proceeding which
> have been entered of record in the patent or reexamination file are open
to public inspection under 37 CFR 1.11(d).
> USPTO employees are NOT permitted to initiate communications with
> applicant in a reissue application or a patentee of a reexamination
> proceeding via Internet e-mail unless written authorization is given by
the applicant or patentee.

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> III. AUTHENTICATION OF SENDER BY A PATENT ORGANIZATION RECIPIENT
> (ARTICLE 6) The misrepresentation of a sender's identity (i.e.,
> spoofing) is a known risk when using electronic communications.
> Therefore, Patent Organization users have an obligation to be aware of
> this risk and conduct their Internet activities in compliance with
> established procedures.
> Internet e-mail must be initiated by a registered practitioner, or an
> applicant in a pro se application, and sufficient information must be
> provided to show representative capacity in compliance with 37 CFR
> 1.34. Examples of such information include the attorney registration
number, attorney docket number, and patent application number.

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> IV. USE OF ELECTRONIC MAIL SERVICES (ARTICLE 7) Once e-mail
> correspondence has been received from the applicant, as set forth in
> Patent Internet Usage Policy Article 4, such correspondence must be
> responded to appropriately. The Patent Examiner may respond to an
> applicant's e-mail correspondence by telephone, fax, or other
appropriate means.

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> V. INTERVIEWS (ARTICLE 8)
> Internet e-mail shall NOT be used to conduct an exchange of
> communications similar to those exchanged during telephone or personal
> interviews unless a written authorization has been given under Patent
> Internet Usage Policy Article 5 to use Internet e-mail. In such cases,
> a paper copy of the Internet e-mail contents MUST be made and placed
> in the patent application file, as required by the Federal Records Act,
in the same manner as an Examiner Interview Summary Form is entered.

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> VI. POLICY GUIDANCE AND CLARIFICATIONS (ARTICLE 13) Within the Patent
> Organization, any questions regarding Internet usage policy should be
> directed to the user's immediate supervisor. Non-USPTO personnel
> should direct their questions to the Office of the Deputy Commissioner
for Patent Examination Policy.

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contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

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